IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUIT NO.200 OF 1984

Masari Gigabhai Wadhia
since deceased by L. Rs.
Ravindra Kanji Wadhia & Ors. ...Plaintiffs.

Vs.

Kantilal K. Modi. ...Defendant.

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Mr.Girish Desai i/b. K. D. Shukla for the Plaintiffs.
None for the Defendant.

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CORAM : DR.D.Y.CHANDRACHUD, J.

August 17, 2006.

P.C.

This suit is under Section 6 of the Specific Relief Act, 1963. The Plaintiffs claim to have been in possession of an immovable property bearing Plot No.359-A of Town Planning Scheme No.III, Bandra, Mumbai, until 26th November 1983 when they were dispossessed by the Defendant. According to the Plaintiffs, prior to 1952 one Giga Naran Wadhia and Kanji Velji Waghela were the tenants and in possession of the property which then belonged to one Grogery S. Drego, Anthony Drego, Alfred Drego and Lily Drego. The owners served a notice to quit dated 28th December 1964 on the said Giga Naran Wadhia, Kanji Velji

Waghela and one Kanshibai Kanji Velji. Giga Naran Wadhia is stated to have expired on 29th April 1974 and it has been averred that the Plaintiffs were in possession of the suit property until they were forcibly dispossessed on 26th November 1983. The suit has been instituted within a period of six months from the date of dispossession.

The Plaintiffs have filed an affidavit in lieu of the Examination-in-Chief of Plaintiff No.2(b). The First and Second Plaintiffs expired during the pendency of the suit. Plaintiff Nos.2(a) to 2(c) have been brought on record. The original documents have been tendered and taken on record. No Written Statement has been filed though the Defendant has been served. On 15th June 2006, D.G. Karnik, J. recorded that no Written Statement has been filed for more than 23 years and directed that the suit shall proceed against the Defendant without the Written Statement.

The suit is accordingly decreed in terms of prayer clause (a).

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